

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

NICOLLE CORTEZ,

Plaintiff,

v.

NO. _____
JURY DEMANDED

WILJERRIE HORN,

Defendant.

COMPLAINT FOR DAMAGES

Comes now the Plaintiff, NICOLLE CORTEZ, by and through her undersigned counsel, and hereby sues the Defendant, WILJERRIE HORN, and alleges as follows:

PARTIES

1. At all times relevant to this Complaint, the Plaintiff, NICOLLE CORTEZ, was a citizen and resident of the State of Tennessee, residing at 3749 Freemile Avenue, Memphis, TN 38111.
2. At all times relevant to this Complaint, the Defendant, WILJERRIE HORN, was a citizen and resident of the State of Mississippi, residing at 10883 Colton Drive, Olive Branch, MS 38654.

JURISDICTION AND VENUE

3. Plaintiff's cause of action arises in tort as a result of injuries and damages sustained due to the assault, battery, and infliction of emotional distress by Defendant Wiljerrie Horn in Shelby County, Tennessee on or about September 12, 2021 and November 25, 2021.
4. Venue is properly situated in this Court pursuant to 28 U.S.C. § 1391(b).

5. This Court has original jurisdiction of this matter pursuant to 28 U.S.C. § 1332(a)(1).

FACTS

6. On or about September 12, 2021, Plaintiff Nicolle Cortez was inside Defendant Wiljerrie Horn's home when a violent argument began after she declined his request for a foot massage.
7. The Defendant choked Plaintiff and feigned having a weapon in order to threaten the Plaintiff's life.
8. The Plaintiff believed that the Defendant did have a weapon as he had threatened her with a gun during a previous altercation.
9. On or about November 25, 2021, Plaintiff was again inside the Defendant's home when another violent argument began after she declined his request for physical intimacy.
10. The Defendant punched the Plaintiff in the face, ribs, and legs, and later choked her by pressing his forearm to her throat while she was pinned against a wall.
11. The Defendant pled guilty to domestic assault in the General Sessions Criminal Court of Shelby County, Tennessee as a result of his actions on November 25, 2021.
12. As a result of the Defendant's actions, the Plaintiff sustained serious injuries that required medical attention.

**CAUSE OF ACTION
COUNT I – ASSAULT**

13. The Plaintiff repeats the allegations contained in paragraphs 1 – 12 as though set forth herein verbatim.
14. The Defendant is guilty of intentional attempts to do harm to and / or to frighten the Plaintiff, which resulted in assaults to Plaintiff's person.

15. The Plaintiff suffered harms and losses as a direct and proximate result of the Defendant's assaults.

COUNT II – BATTERY

16. The Plaintiff repeats the allegations contained in paragraphs 1 – 15 as though set forth herein verbatim.
17. The Defendant is guilty of intentional, unlawful, and harmful physical contact with the Plaintiff, which resulted in batteries to the Plaintiff's person.
18. The Plaintiff suffered harms and losses as a direct and proximate result of the Defendant's battery.

COUNT III – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

19. The Plaintiff repeats the allegations contained in paragraphs 1 – 18 as though set forth herein verbatim.
20. The Defendant's conduct amounted to extreme and outrageous conduct.
21. The Defendant's conduct was done either with specific intent to cause emotional harm, or with reckless disregard of the probability of causing that distress.
22. The Plaintiff suffered severe emotional distress, along with other harms and losses, as a direct and proximate result of the Defendant's unlawful, extreme and outrageous conduct.

COMPENSATORY DAMAGES

23. The Plaintiff repeats the allegations contained in paragraphs 1 – 22 as though set forth herein verbatim.

24. As a direct and proximate result of the incidents described herein, the Plaintiff suffered considerable damages. She has undergone extensive physical and mental medical treatment in an effort to treat, cure and alleviate her injuries and conditions.
25. As a direct and proximate consequence of these incidents, the Plaintiff suffered injuries that have caused her to lose the ability to carry out and enjoy life's normal activities.
26. As a direct and proximate result of these incidents, the Plaintiff suffered:
 - a. Physical pain and mental suffering;
 - b. Medical care in the past and to be obtained in the future;
 - c. Pain and suffering in the past and to be experienced in the future; and
 - d. Loss of enjoyment of life.

PUNITIVE DAMAGES

27. The Plaintiff repeats the allegations contained in paragraphs 1 – 26 as though set forth herein verbatim.
28. The Defendant was aware of, but consciously disregarded, a substantial and unjustifiable risk of harm to the Plaintiff of such a nature that the disregard constitutes intentional and criminal conduct.
29. The Plaintiff is entitled to recover punitive damages as a result of the Defendant's intentional and / or reckless conduct.

RELIEF SOUGHT

WHEREFORE, PREMISES CONSIDERED, the Plaintiff, Nicolle Cortez, respectfully prays:

1. That the Plaintiff be awarded the present cash value of any medical care and treatment that she will have to undergo in the future;
2. That the Plaintiff be awarded special damages for medical, hospital and doctors' expenses incurred, according to proof;
3. That the Plaintiff be awarded compensatory damages in an amount not less than Two Hundred Fifty Thousand and no/100 Dollars (\$250,000.00);
4. That the Plaintiff be awarded punitive damages in an amount not less than Five Hundred Thousand and no/100 Dollars (\$500,000.00);
5. That the Plaintiff be awarded post-judgment interest as allowed by law;
6. That a jury be empaneled to try the issues when joined; and
7. Such further relief as the Court may deem just and equitable.

Respectfully submitted,

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s/ David A. McLaughlin

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